

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ALEJANDRO MUNOZ MORALES,  
Petitioner,

vs.

UNITED STATES  
ATTORNEY GENERAL,  
Respondent.

Case No. 1:15-cv-513

Black, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**

Petitioner, a former inmate at the Butler County Jail in Hamilton, Ohio, filed an application for leave to proceed *in forma pauperis* in connection with a pleading entitled “Petition For A Federal Writ Of Coram Nobis AND OR Audita Querela.” (Doc. 1, 2). On August 24, 2015, the undersigned issued an Order, noting concerns about whether the Court has jurisdiction to entertain the petition and requiring petitioner to show cause why the instant action should not be dismissed for lack of jurisdiction within thirty (30) days. (Doc. 3). Petitioner was advised that “if he fails to comply with this Order within the requisite 30-day period, the case will be dismissed for want of prosecution.” (*Id.* at PageID 41). However, on September 9, 2015, the Order was returned to the Court as “Attempted – Not Known Unable to Forward.” (Doc. 4).

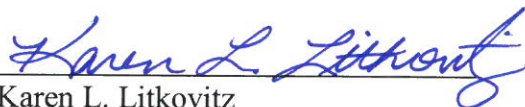
A *pro se* litigant has an affirmative duty to diligently pursue the prosecution of his cause of action, *see Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991), as well as a duty to supply the Court with notice of any and all changes in his address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at \*1 (6th Cir. May 2, 1994) (citing *Pena v. Seguros La Comercial, S.A.*, 770 F.2d 811, 815 (9th Cir. 1985)). District courts have the power to dismiss civil actions for want of prosecution to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). Failure of a party to respond to an order of the court warrants invocation of the Court’s inherent power. *See Fed. R.*

Civ. P. 41(b). Accordingly, because plaintiff has failed to provide the Court with a current mailing address or comply with the Order issued on August 24, 2015, this action should be dismissed for lack of prosecution.

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

**IT IS SO RECOMMENDED.**

Date: 10/9/15

  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).